

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the Official Action dated June 30, 2008. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peak (USP 3,587,336) in view of Siegart, Jr. (4,861,321). Claims 4-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peak (USP 3,587,336) in view of Siegart, Jr. (4,861,321) and Prampolini (USP 6,396,173). Claims 22-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peak (USP 3,587,336) in view of Siegart, Jr. (4,861,321) and Volkmann (USP 4,938,665). These rejections are respectfully traversed in view of the following remarks.

The presently claimed drive assembly is an automated assembly comprising an electric motor controlling the position of the idle driving wheel, whereby the drive assembly can be controlled by an engine control unit of a motor vehicle. Specifically, the invention comprises an actuating means (81) which can be activated to exert a force in opposition to that exerted by the elastic means (e.g. torsion spring 30), to detach the drive wheel (16) from at least one of the rotary member (e.g., pulley 10) and the drive member (e.g., drive belt 5). As claimed, the actuating means comprise a reversible electric motor (81) such that, when the elastic means (torsion spring 30) exerts a force, to push the drive wheel (16) against the rotary member (pulley 10) and the drive member (5), which is greater than the travel resistance of the actuating means (e.g. electric motor 81) when maintained in a disabled rest condition, the force overcomes the resistance of the electrical rotary motor.

Peak '336 relates to a belt tensioner for a belt drive of a harvester, and Siegart Jr. '321 relates to a rear shift assembly for a bicycle. Thus, Peak '336 teaches a passive element while Siegart Jr. '321 is actuated manually. Neither of the cited documents gives any


teaching or suggestion to the recited features presently included in amended claim 1.

Therefore, the examiner's position regarding Peak and Siegwart, an automatic actuation, i.e. the electric motor, is still missing and therefore there cannot be any teaching, suggestion or motivation to combine the cited prior documents in order to provide the claimed invention.

The elastic means overcomes the resistance of the electrical motor to provide a fail-safe function, i.e. the drive is always engaged and ensures functioning of the rotary member by means of the elastic means if for any reason the electric motor fails. Also in this case at least there is no motivation to combine a tensioner with a rear shift assembly of a bicycle to obtain a fail-safe drive assembly.

For the foregoing reason, it is respectfully submitted that the pending claims are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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